REMARKS/ARGUMENTS

Claims 6-9, 16, and 17 are pending in the present application. By this response, claims 13-15 are canceled. Reconsideration of the claims is respectfully requested.

I. Application to be Considered Special

This application has received a sixth, non-final Office Action. As per MPEP § 707.02, Applicants respectfully request that the Supervisory Patent Examiner personally check on the pendency of this application and make every effort to complete prosecution of this application.

II. 35 U.S.C. § 102, Anticipation

The Office rejects claims 6-17 under 35 U.S.C. § 102(e) as being anticipated by Fox et al. (U.S. Patent No. 6,421,781 B1). This rejection is respectfully traversed.

As to claim 6, the Office states:

> In regards to claim 6, Fox discloses a commodity purchasing method through a network, comprising the steps of:
> receiving a connection request from a device (FIG 2);
> determining whether the connection request includes an identifier (FIG 3), wherein the identifier corresponds to an identification code of a cellular phone (FIG 3)and wherein the identifier identifies that the connection request is from a cellular phone (FIG 3, item 302);
> in response to the connection request including the identifier, performing the following steps:
> storing the identifier and user status information associated with the identifier in a database contained in a system for receiving the connection request (FIG 3); and
> executing session control using the identifier and the user status information (col 2, lines 23-65); and
> in response to the connection request not including the identifier, executing session control for the device using history information that is communicated between the system and the device (col 4, lines 24-32).

Final Office Action dated May 9, 2006, pages 2-3.

A prior art reference anticipates the claimed invention under 35 U.S.C. § 102 only if every element of a claimed invention is identically shown in that single reference, arranged as they are in the claims. *In re Bond*, 910 F.2d 831, 832, 15 U.S.P.Q.2d 1566, 1567 (Fed Cir. 1990). All limitations of the claimed invention must be considered when determining patentability. *In re Lowry*, 32 F.3d 1579, 1582, 32 U.S.P.Q.2d 1031, 1034 (Fed Cir. 1994). Anticipation focuses on whether a claim reads on the product

or process a prior art reference discloses, not on what the reference broadly teaches. *Kalman v. Kimberly-Clark Corp.*, 713 F.2d 760, 218 U.S.P.Q. 781 (Fed. Cir. 1983). Applicants respectfully submit that Fox does not teach every element of the claimed invention arranged as they are in the claims.

Claim 6 reads as follows:

> 6. A commodity purchasing method through a network, comprising the steps of:
> receiving a connection request from a device;
> determining whether the connection request includes an identifier, wherein the identifier corresponds to an identification code of a cellular phone and wherein the identifier identifies that the connection request is from a cellular phone;
> in response to the connection request including the identifier, performing the following steps:
> storing the identifier and user status information associated with the identifier in a database contained in a system for receiving the connection request; and
> executing session control using the identifier and the user status information; and
> in response to the connection request not including the identifier, executing session control for the device using history information that is communicated between the system and the device.

Applicants respectfully submit that Fox does not teach every feature in claim 1 in the same arrangement as recited in claim 1. More specifically, Fox does not teach in response to the connection request not including the identifier, executing session control for the device using history information that is communicated between the system and the device.

The Office alleges that Fox teaches in response to the connection request not including the identifier, executing session control for the device using history information that is communicated between the system and the device in the following section:

> The communication protocol of the World Wide Web (WWW) on the Internet 104 is the well known HyperText Transport Protocol (HTTP) or HTTPS, a secure version of HTTP. HTTP runs on top of the Transport Control Protocol (TCP) and the Internet Protocol (IP). HTTP us used to control the connection of a well known HyperText Markup Language Web browser, or HTML Web browser in PC 110, to Web server 112, and the exchange of information therebetween.

(Fox, column 4, lines 24-32)

In this section, Fox describes that HTTP is the well known protocol used by the World Wide Web. There is no mention whatsoever in this section of Fox, or any other section, of executing session control for the device using history information that is communicated between the system and the device **in response to the connection request not including the identifier**. In fact Fox describes that if a subscriber ID is required for any information to be pushed to the subscriber in the following sections: As set forth in the background, there are times when the user of a mobile computing device may wish to "subscribe" to a particular web page on an Internet server in order to receive updates. For example, referring to FIG. 2, if the user of a mobile device 106 or mobile device 176 wishes to be informed about

updates to a particular web page on web server 202, then the user may "subscribe" to that particular web page.

> As part of the subscription process with a particular Web server, the subscriber ID of the mobile computing device is recorded. The recording of the subscriber ID enables the Web service provider or the Web server 202, to notify the user of mobile device 106 of any changes made to the particular web pages that are subscribed to by the user of mobile device 106. After mobile device 106 subscribes, Web server device 202 pushes a notification when there is a change to the particular web page subscribed to by mobile computing device 106.

(Fox, column 5, line 60, to column 6, line 10)

In this section, Fox describes that a user who wishes to subscribe to a particular Web page in order to receive updates. As part of the subscription, the user must submit a subscriber ID, which enables the Web server to notify the user of any changes made to the particular Web site.

> Referring to the table in FIG. 3, a subscriber ID list 302 maintains a list of subscriber IDs of the mobile devices through which the users desire to fetch information from the Web server and be informed of any changes to the particular pages. Associated with each subscriber in list 302 is a table of web pages to which the subscriber has "subscribed." As shown in FIG. 3, a subscriber with subscriber ID 861234567-10900_pn.mobile.xyz.net (304) subscribes to several web pages available on the web site at server www.xyzAlert.com.

(Fox, column 6, lines 29-38)

In this section, Fox describes that the system maintains the various user's subscriber IDs in a subscriber ID list. Fox further describes that the subscriber ID list has an associated URL table that lists the Web pages to which the user subscribes.

> The URLs representing the information subscribed to by the user are grouped and maintained in URL table 306. It can be appreciated that subscriber ID list 302 generally maintains a plurality of subscriber IDs, each corresponding to one mobile device, typically one user thereof. Similarly, URL table 306 maintains a plurality of groups of URLs. Each group of URLs is associated with one mobile device. The URLs represent information subscribed by the mobile device's user. When the Web server updates information in certain pages, URL table 306 is examined to see if any URLs match the modified news page. When a match is detected, the corresponding subscriber IDs in subscriber ID list 302 are sent notifications that inform the user about the updated information. For example, if a press release from ABC Company is added into the web page located by the URL www.xyzAlert.com/stock/abc then the subscriber with subscriber ID 861234567-10900_pn.mobile.xyz.net (304) will be sent a notification. Notifications inform the interested subscriber that the subscribed news has been updated.

(Fox, column 6, lines 43-61)

In this section, Fox describes that when a Web server updates information in certain pages, URL table is examined to see if any URLs match the modified news page. When a match is detected, the

corresponding **subscriber IDs in subscriber ID list are sent notifications** that inform the user about the updated information.

Thus, Fox describes only using subscriber IDs to communicate with the subscriber. Fox does not teach executing session control for the device using history information that is communicated between the system and the device **in response to the connection request not including the identifier**. Furthermore, nowhere in any section of Fox does the term "history information." Therefore Fox does not teach in response to the connection request not including the identifier, executing session control for the device using history information that is communicated between the system and the device.

Independent claim 16 recites similar subject matter to that recited in claim 6. That is, claim 16 recites "in response to the connection request not including the identifier, executing session control using history information that is communicated between a system and the device."

Thus, Fox does not teach each and every feature of independent claims 6 and16 as is required under 35 U.S.C. § 102. At least by virtue of their dependency on independent claims 6 and 16, the specific features of dependent claims 7-9 and 17 are not taught by Fox. Accordingly, Applicants respectfully request withdrawal of the rejection of claims 6-9, 16, and 17 under 35 U.S.C. § 102.

Furthermore, Fox does not teach, suggest, or give any incentive to make the needed changes to reach the presently claimed invention. Absent the Office pointing out some teaching or incentive to implement Fox such that session control for the device is executed using history information that is communicated between the system and the device in response to the connection request not including the identifier, one of ordinary skill in the art would not be led to modify Fox to reach the present invention when the reference is examined as a whole. Absent some teaching, suggestion or incentive to modify Fox in this manner, the presently claimed invention can be reached only through an improper use of hindsight using the Applicants' disclosure as a template to make the necessary changes to reach the claimed invention.

III. Conclusion

It is respectfully urged that the subject application is patentable over the prior art of record and is now in condition for allowance. The Examiner is invited to call the undersigned at the below-listed telephone number if in the opinion of the Examiner such a telephone conference would expedite or aid the prosecution and examination of this application.

Respectfully submitted,

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